

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN MICHAEL FARNUM,

Petitioner,

vs.

ROBERT LEGRAND, *et al.*,

Respondents.

2:13-CV-1304-APG-PAL

ORDER

John M. Farnum, a Nevada prisoner who is represented by counsel, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee for this action. ECF No. 7. The petition shall now be filed and served on respondents.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

IT IS THEREFORE ORDERED that the Clerk shall **FILE and ELECTRONICALLY SERVE** the petition (ECF Nos. 1-5) upon the respondents.

IT IS FURTHER ORDERED that respondents shall have **forty-five (45)** days from entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other

1 response, respondents shall address any claims presented by petitioner in his petition as well as any
2 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
3 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
4 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
5 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
6 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
7 **forty-five (45) days** from the date of service of the answer to file a reply.

8 **IT FURTHER IS ORDERED** that any state court record exhibits filed by respondents
9 herein shall be filed with a separate index of exhibits identifying the exhibits by number or letter.
10 The CM/ECF attachments that are filed shall further be identified by the number or numbers (or
11 letter or letters) of the exhibits in the attachment. The hard copy of any additional state court record
12 exhibits shall be forwarded – for this case – to the staff attorneys in Reno.

13 Dated this 1st day of August, 2013.

14
15 
16 _____
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26